

Appendix E-1

Index of Interagency Agreements

Notes

1. Index number is for reference to accompanying matrix and narrative summary of provisions in these agreements.
2. In "Status" column "Dated" means the date of last signature unless effective date is given in the document.

Index	Topic	Formal Title	Status	Location	Manual Section
1	NEPA Programmatic Categorical Exclusions	Memorandum of Understanding between Washington State Department of Transportation and Federal Highway Administration – Programmatic Categorical Exclusion Approvals. May 1999.	Signed 5/25/99 No expiration date.	http://www.wsdot.wa.gov/environment/compliance/agreements.htm	310.07, 411.04
2	NEPA Documented Categorical Exclusions - SEPA Compliance	Implementing Agreement between WSDOT and Ecology Concerning Adoption of NEPA Documented Categorical Exclusions. June 1996.	Signed 6/20/96 Revised 4/98 Can be terminated with 30 days notice.	http://www.wsdot.wa.gov/environment/compliance/agreements.htm	310.07, 410.05, 411.04
3	WSDOT/Ecology Coordination and Cooperation – Information for Permitting	MOA – WSDOT and Ecology 8/4/88	Dated 8/4/88. Agencies agree to coordinate technical and environmental information to provide timely efficient review of permit applications.	Superseded by 1998 Water Quality Implementing Agreement.	
4	Fugitive Dust	Memorandum of Agreement between the Washington State Department of Transportation and the Puget Sound Clean Air Agency Regarding the Control Fugitive Dust from Construction Projects. October 14, 1999.	Dated 10/14/99 Can be terminated with 30 days notice.	http://www.wsdot.wa.gov/environment/compliance/agreements.htm	425.04

Index	Topic	Formal Title	Status	Location	Manual Section
5	Integrating Aquatic Permit Requirements with NEPA / SEPA Process	Signatory Agency Committee Agreement to Integrate Aquatic Resources Permit Requirements into the National Environmental Policy Act and the State Environmental Policy Act Processes in the State of Washington. September 17, 2002.	Effective 9/17/02 Revision of 1996 agreement referred to as "NEPA/404 Merger Agreement" Can be terminated with 30 days notice.	http://www.wsdot.wa.gov/environment/compliance/SAC_committee.htm	310.07, 411.06, 431.04, 437.04, 520.02, 520.03
6	Corps Permit Process	Working Agreement between the Seattle District, Corps of Engineers, the Washington Division, Federal Highway Administration, and the Washington State Department of Transportation. July 26, 1993.	Dated 7/26/93. Can be terminated with 30 days notice. No longer in effect	N/A	
7	Surface Water Quality Standards	Compliance Implementing Agreement between the Washington State Department of Ecology and the Washington State Department of Transportation Regarding Compliance with the State of Washington Surface Water Quality Standards. November 5, 2004.	Signed 11/5/04 No termination date.	http://www.wsdot.wa.gov/environment/compliance/agreements.htm	431.04, 447.04, 540.02, 540.04- 540.08, 610.03, 710.03
8	Surface Water Quality Standards	Implementing Agreement between the Washington State Department of Ecology and the Washington State Department of Transportation Regarding Compliance with the State of Washington Surface Water Quality Standards, February 13, 1998.	Signed 2/13/98 Some administrative conditions have been replaced by NPDES programmatic permits. Can be terminated with 30 days notice.	http://www.wsdot.wa.gov/environment/compliance/agreements.htm	431.04, 447.04, 540.02, 540.04- 540.08, 610.03, 710.03
9	Sole Source Aquifer	MOU Between the FHWA Region 10, Portland, Oregon, and the USEPA Region 10, Seattle Washington, and WSDOT, Olympia Washington; Sole Source Aquifer, State of Washington, June 1988.	Last signed 8/16/88 No termination provision.	http://www.wsdot.wa.gov/environment/compliance/agreements.htm	433.04

Index	Topic	Formal Title	Status	Location	Manual Section
10a	Construction of Projects in State Waters	Memorandum of Agreement between Washington State Department of Fish and Wildlife and Washington State Department of Transportation Concerning Construction of Projects in State Waters. June 2002.	Signature page blank – no dates – Cover is dated June 2002 Can be terminated with 60 days notice.	http://www.wsdot.wa.gov/environment/compliance/agreements.htm	431.04, 436.04, 540.15, 610.03, 710.03
10b	Hydraulic Code Compliance	Memorandum of Understanding between Washington State Departments of Fisheries, Wildlife, and Transportation, Concerning Compliance With the Hydraulic Code (RCW 75.20.100 and Chapter 220-110 WAC). August 1990	REPLACED BY MOA on Construction in State Waters 6/02	N/A	
10c	Culvert Installations: Fish Passage Guidelines	MOU Between Washington State Departments of Fisheries, Wildlife, and Transportation. Fish Passage Guidelines: Culvert Installations. August 1990.	REPLACED BY MOA on Construction in State Waters 6/02	N/A	
10d	Work in Watercourses	Memorandum of Understanding between WDFW, WA department of Emergency Management, Ecology, Association of Counties, Association of Cities, WSDOT Concerning Work in Watercourses. December 16, 1996	REPLACED BY MOA on Construction of Projects in State Waters 6/02	N/A	
11	Alternative Mitigation Policy – Aquatic Permits	Interagency Implementation Agreement - State of Washington Alternative Mitigation Policy Guidance for Aquatic Permitting Requirements from the Departments of Ecology and Fish and Wildlife. February 10, 2000.		http://www.wsdot.wa.gov/environment/compliance/agreements.htm	431.04, 436.04, 437.04, 710.03
12	Wetlands Protection & Management	Implementing Agreement between the Washington State Department of Transportation and the Washington State Department of Ecology Concerning Wetlands Protection and Management. July 1, 1993.	Dated 7/1/93. Can be terminated with 30 days notice.	http://www.wsdot.wa.gov/environment/compliance/agreements.htm	437.04, 610.03, 710.03

Index	Topic	Formal Title	Status	Location	Manual Section
13	Wetland Compensation Bank Program	Washington State Department of Transportation Wetland Compensation Bank Program Memorandum of Agreement. February 15, 1994. Signatories: USEPA, Corps, USFWS, NMFS, FHWA, Ecology, WDFW and WSDOT, September 15, 1994.	Ecology rule-making in process – will take precedence over this MOA. Signatories can withdraw after giving notice of intent and waiting 30 days.	http://www.wsdot.wa.gov/environment/biology/docs/wetlandMOAFinal1994.pdf	437.04, 710.03
14	Noise Methodology and Criteria	Interagency Agreement on FTA-Sound Transit-FHWA-WSDOT Noise Methodology and Criteria for Integrated Highway and Transit Projects. February 1, 2001		http://www.wsdot.wa.gov/environment/compliance/agreements.htm	446.04
15	Hazardous Waste Management	Implementing Agreement between the Department of Ecology and the Department of Transportation Concerning Hazardous Waste Management. April 1993.		http://www.wsdot.wa.gov/environment/compliance/agreements.htm	447.04, 540.08, 540.24, 610.03, 710.03
16	Agricultural & Forest Land Preservation	Memorandum of Understanding between the Washington State Conservation Commission and Washington State Department of Transportation - to enhance cooperation in preserving agricultural and forest lands, etc. September 1982.	Signed 9/30/82 Can be terminated with 45 days notice.	http://www.wsdot.wa.gov/environment/compliance/agreements.htm	454.04, 540.08, 710.03
17	Highways over National Forest Lands	Memorandum of Understanding between State of Washington Department of Transportation and USDA Forest Service Pacific Northwest Region - Forest Highways over National Forest Lands. March 22, 2002	Effective date 3/22/02. Replaces earlier MOU dated 6/17/91 Can be terminated at any time.	http://www.fs.fed.us/im/directives/field/r6pnw/fsm/1500/1561_9b.doc	455.04, 470.04, 520.13, 610.03, 710.03, 810.03

Index	Topic	Formal Title	Status	Location	Manual Section
18	Historic Properties – Nationwide	Nationwide Programmatic Agreement among the Federal Highway Administration (FHWA), the National Conference of State Historic Preservation Officers (National Conference of SHPOs), and the Advisory Council on Historic Preservation (ACHP) for Implementation of Transportation Enhancement Activities. June 11, 1997.	Signed 5/1/97. Cover memo dated 6/11/97. Can be terminated with 30 days notice.	http://www.wsdot.wa.gov/environment/compliance/agreements.htm	456.04
19	Historic Properties – State	Programmatic Agreement between the Federal Highway Administration, the Washington State Department of Transportation, the Advisory Council on Historic Preservation, and the Washington State Historic Preservation Officer Regarding Implementation of the Federal Aid Highway Program in Washington State. July 2000.	Can be terminated with 30 days notice.	http://www.wsdot.wa.gov/environment/compliance/agreements.htm	456.04, 411.12, 820.02
20	Confederated Tribes – Umatilla Reservation	Programmatic Memorandum of Agreement among the Federal Highway Administration Washington Division, the Washington State Transportation Department South Central Region, and the Confederated Tribes of the Umatilla Reservation for Coordination and Consultation on State Transportation Activities. March 10, 2005.	Dated 12/1/04 In effect until amended or terminated by agreement of the parties.	http://www.wsdot.wa.gov/environment/compliance/agreements.htm	456.04
<u>21</u>	<u>Stewardship of the Federal-Aid Highway Program</u>	<u>Washington Federal-Aid Stewardship Agreement</u>	<u>Signed 5/17/01</u> <u>No expiration date.</u>	http://www.wsdot.wa.gov/TA/Reports/WA_Stewardship.pdf	<u>300.02</u>

Interagency Agreements – Appendix E-2 Applicability to WSDOT Process

(Number in Columns A-G is the EPM chapter where the Agreement has primary reference.)

Index #	Formal Title	A – Planning	B- Scoping/ Programming	C – Environmental Review	D – Permitting/ PS&E	E – Construction	F- Maintenance	G – Property Management
1	Memorandum of Understanding between Washington State Department of Transportation and Federal Highway Administration – Programmatic Categorical Exclusion Approvals. May 1999.		X 310					
2	Implementing Agreement between WSDOT and Ecology Concerning Adoption of NEPA Documented Categorical Exclusions. June 1996.		X 310					
3	MOA – WSDOT and Ecology 8/4/88	Not in effect						
4	Memorandum of Agreement between the Washington State Department of Transportation and the Puget Sound Clean Air Agency Regarding the Control of Fugitive Dust from Construction Projects. October 14, 1999.			425	X	X	X	
5	Signatory Agency Committee Agreement to Integrate Aquatic Resources Permit Requirements into the National Environmental Policy Act and the State Environmental Policy Act Processes in the State of Washington. September 17, 2002.		X 411	X				
6	Working Agreement between the Seattle District, Corps of Engineers, the Washington Division, Federal Highway Administration, and the Washington State Department of Transportation. July 26, 1993.	No longer in effect	X	X	X	X		
7	Compliance Implementing Agreement between the Washington State Department of Ecology and the Washington State Department of Transportation Regarding Compliance with the State of Washington Surface Water Quality Standards. November 5, 2004.				X	X 610	X	

Index #	Formal Title	A – Planning	B- Scoping/ Programming	C – Environmental Review	D – Permitting/ PS&E	E – Construction	F- Maintenance	G – Property Management
8	Implementing Agreement between the Washington State Department of Ecology and the Washington State Department of Transportation Regarding Compliance with the State of Washington Surface Water Quality Standards, February 13, 1998.			431	X	X		
9	MOU Between the FHWA Region 10, Portland, Oregon, and the USEPA Region 10, Seattle Washington, and WSDOT, Olympia Washington; Sole Source Aquifer, State of Washington, June 1988			X 433				
10a	Memorandum of Agreement between Washington State Department of Fish and Wildlife and Washington State Department of Transportation Concerning Construction of Projects in State Waters. June 2002.		X	X 436	X	X	X	
10b	Memorandum of Understanding between Washington State Departments of Fisheries, Wildlife, and Transportation, Concerning Compliance With the Hydraulic Code (RCW 75.20.100 and Chapter 220-110 WAC). August 1990	Replaced N/A						
10c	MOU Between Washington State Departments of Fisheries, Wildlife, and Transportation. Fish Passage Guidelines: Culvert Installations. August 1990.	Replaced N/A						
10d	Memorandum of Understanding between WDFW, WA department of Emergency Management, Ecology, Association of Counties, Association of Cities, WSDOT Concerning Work in Watercourses. December 16, 1996	Replaced N/A						
11	Interagency Implementation Agreement - State of Washington Alternative Mitigation Policy Guidance for Aquatic Permitting Requirements from the Departments of Ecology and Fish and Wildlife. February 10, 2000.			X 437	X	X	X	
12	Implementing Agreement between the Washington State Department of Transportation and the Washington State Department of Ecology Concerning Wetlands Protection and Management. July 1, 1993.		X	X 437	X	X	X	

Index #	Formal Title	A – Planning	B- Scoping/ Programming	C – Environmental Review	D – Permitting/ PS&E	E – Construction	F- Maintenance	G – Property Management
13	Washington State Department of Transportation Wetland Compensation Bank Program Memorandum of Agreement. February 15, 1994. Signatories: USEPA, Corps, USFWS, NMFS, FHWA, Ecology, WDFW and WSDOT, Current EPM gives date of September 15, 1994 but MOA on WSDOT web site is dated 1/15/99. (Draft amendment of October 1998 not adopted.)			X 437			X	
14	Interagency Agreement on FTA-Sound Transit-FHWA-WSDOT Noise Methodology and Criteria for Integrated Highway and Transit Projects. February 1, 2001			X 446				
15	Implementing Agreement between the Department of Ecology and the Department of Transportation Concerning Hazardous Waste Management. April 1993.			X 447	X	X	X	
16	Memorandum of Understanding between the Washington State Conservation Commission and Washington State Department of Transportation - to enhance cooperation in preserving agricultural and forest lands, etc. September 1982.			X 454			X	
17	Memorandum of Understanding between State of Washington Department of Transportation and USDA Forest Service Pacific Northwest Region - Forest Highways over National Forest Lands. March 22, 2002	X	X	X 455	X	X	X	
18	Nationwide Programmatic Agreement among the Federal Highway Administration (FHWA), the National Conference of State Historic Preservation Officers (National Conference of SHPOs), and the Advisory Council on Historic Preservation (ACHP) for Implementation of Transportation Enhancement Activities. June 11, 1997.	N/A done in state IA		456				

Index #	Formal Title	A – Planning	B- Scoping/ Programming	C – Environmental Review	D – Permitting/ PS&E	E – Construction	F- Maintenance	G – Property Management
19	Programmatic Agreement between the Federal Highway Administration, the Washington State Department of Transportation, the Advisory Council on Historic Preservation, and the Washington State Historic Preservation Officer Regarding Implementation of the Federal Aid Highway Program in Washington State. July 2000.		X	X 456		X		X
20	Programmatic Memorandum of Agreement among the Federal Highway Administration Washington Division, the Washington State Transportation Department South Central Region, and the Confederated Tribes of the Umatilla Reservation for Coordination and Consultation on State Transportation Activities. March 10, 2005.	X	X <u>310</u>	X	X	X	X	X
<u>21</u>	<u>Washington Federal-Aid Stewardship Agreement</u>	<u>X</u>	<u>X</u> <u>300</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

Summary of Environmental Commitments in Interagency Agreements

Appendix E-3

Phase of WSDOT Process

Planning

Scoping/programming

Design/Environmental Review

Permitting/PS&E

Construction

Maintenance and Operations

Property Management

Chapter number is location of primary description in EPM.

1 Programmatic CEs (5/99) – Chapter 310

General

Programmatic approach, agreeing in advance to classify as categorical exclusions any actions identified in 23 CFR 771.117, as long as criteria in the regulations and conditions listed in the MOU are met.

Scoping/Programming

Determinations made by WSDOT under this blanket classification do not require further approvals by FHWA, and will be documented in the Project Summary. Environmental classification of all projects will be identified on project authorization submitted to FHWA but documentation for projects identified as CEs under this MOU does not need to be submitted

2 Adoption of NEPA DCEs (9/96) - Chapter 310

General

Ecology agrees to concur with adoption of WSDOT's DCE documentation (Environmental Classification Summary) provided that WSDOT include specified elements of the SEPA Environmental Checklist not included in the ECS form.

Scoping/Programming

WSDOT must determine that the DCE package meets review standards in WAC 197-11-630; submit the completed ECS with a DNS in Ecology format, including specified items from the SEPA checklist; and include a 15-day public/agency comment period including publishing notice of adoption and DNS and distributing the adoption package to permitting agencies.

3 WSDOT/Ecology Coordination (8/88) – Not in Effect

General

MOA signed 8/88 – WSDOT and Ecology agree to coordinate and cooperate re information on permitting. Implementing Agreements are pursuant to this MOA. Will add MOA as exhibit in 2nd draft and add references in applicable chapters.

4 Fugitive Dust (10/99) – Chapter 425

General

Establishes a cooperative process to minimize fugitive dust emissions from WSDOT project sites.

Permitting/PS&E

WSDOT will require appropriate use of BMPs for fugitive dust control on all WSDOT projects (see **Section 425.05(7)**); and evaluate the construction plans and specifications to identify possible fugitive dust producing activities.

Construction

WSDOT will ensure that PEs/site managers implement BMPs and observe and report fugitive dust problems.

Maintenance

Maintenance of WSDOT sites will share the common goal of controlling fugitive dust.

5 Signatory Agency Committee (SAC) Agreement to Integrate Aquatic Permit Requirements into NEPA/SEPA Process (9/02) – Chapter 411

General

Applies to all WSDOT projects requiring an individual Corps Section 404 or Section 10 permit and FHWA action on a NEPA EIS. Signatories aim to integrate conditions of aquatic related permits and approvals, with the NEPA/SEPA processes at the planning, programming and project development stages. Priority is to avoid adverse impacts to waters of the U.S. and Washington including wetlands, other aquatic resources, and associated sensitive species. The SAC process involves requests for resource agency “concurrence” at critical point in the NEPA process. The SAC Agreement was revised in September 2002 adding process improvements, a full time facilitator and a defined Issue Resolution process.

Planning/Programming

WSDOT will request signatory agencies to concur with the transportation purpose and need served by a project. WSDOT will submit an “early warning” packet to SAC members 30 days prior to the project’s first SAC presentation.

Design/Environmental Review

- Under the SAC Agreement, WSDOT will request regulatory/resource agency involvement early in the NEPA EIS process.
- WSDOT will request signatory agencies to concur with project alternatives to be evaluated in the DEIS.
- WSDOT will request Corps, USFWS, USEPA and NMFS to concur with the NEPA/SEPA preferred alternative/apparent Section 404 least environmentally damaging practicable alternative and detailed mitigation plan. WSDOT will request Ecology and WDFW to concur with NEPA/SEPA preferred alternative and detailed mitigation plan.
- WSDOT will provide information necessary for agencies to identify least environmentally damaging practicable alternative and proposed mitigation early in the joint NEPA/SEPA EIS process, and ensure that WSDOT responds to agency comments within the timeframes of the agreement.

6 Working Agreement – Corps Permit Process (7/93) – Not in Effect

7 Compliance Implementing Agreement – Water Quality Standards (11/04) – Chapter 431

General

Purpose is to assist in obtaining and maintaining compliance on Ecology issued Orders, certifications, approvals, implementing agreements, and with the WA WQ standards. Defines elements to increase compliance for WSDOT and WSDOT contractors. WSDOT is to develop a statewide compliance program by 12/04; general requirements are:

- Include improved compliance with all laws, IAs, 401 WQ certifications and 402 construction stormwater permits.
- Develop and implement a commitment tracking system to identify all project commitments made during planning, NEPA/SEPA, design, and permitting.
- Track and report non-compliance events for periodic assessment of statewide compliance performance for construction, maintenance and ferry service operations.

Other elements of required program are summarized in appropriate phase of WSDOT process (Col. D-F).

Permitting/PS&E

Ensure that all environmentally sensitive areas, mitigation areas and wetland buffers are fenced.

Construction

- All project commitments clearly communicated to contractor, construction project office staff and supporting design offices.
- Fences maintained throughout construction.
- Environmental inspector, trained in certification conditions and permit requirements, mitigation requirements and WSDOT compliance procedures, is assigned and available to each project site to ensure compliance with conditions of 401 certification and NPDES permits.
- WSDOT PEs notify Ecology 10 days prior to commencing any work other than fencing.
- WSDOT PEs consult with WSDOT environmental inspectors to ensure proposed work in env. sensitive areas, mitigation areas and wetland buffers is in compliance with permit conditions; if not, notify resource agencies.
- Contractor required to submit a detailed work plan to be approved prior to work in sensitive areas and mitigation sites; all work in wetland mitigation areas be verified by WSDOT to ensure permit conditions are met.
- Ensure that all environmental commitments have been achieved prior to completion of the process.

Maintenance and Operations

Ensure that maintenance and operations staff have received a copy of and understand all long-term compliance expectations including mitigation site monitoring and maintenance.

8 Implementing Agreement – Compliance with Water Quality Standards (2/98) – Chapter 431

General

Purpose to assist WSDOT in maintaining compliance with Washington aquatic laws and regulations. For use by WSDOT and WSDOT contractors. Generally, WSDOT will

- Comply with WQ criteria in WAC 173-201A and RCW 90.48, tribal standards within reservation boundaries, and other agency regulations
- For work in or near water, comply with conditions within this agreement and other BMPs and NPDES permit requirements.

Permitting/PS&E

- If a discharge of pollutants is expected, submit applications for NPDES permit, or JARPA for Section 401 WQ certification when a Corps Section 404 permit is required.
- Require contractors to comply with conditions of this agreement and any other conditions to ensure WQ compliance. Attach conditions of this agreement to contract documents for projects in or near water, make sure contractors are aware of conditions prior to bidding.

Construction

- Notify Ecology prior to starting work on a project that is large, contentious or when a significant amount of work in the water will take place (so Ecology can respond to any citizen complaints).
- Review conditions with selected contractor. Copy of agreement on the job site at all times.

9 MOU – Sole Source Aquifer (6/88) – Chapter 433

General

Deals with review of projects on federal aid highways which may affect water quality of designated sole source aquifers. Specifies criteria against which projects will be evaluated and procedures to be followed by FHWA and USEPA in conducting project evaluation and formal review in Washington. Projects will be constructed so as not to cause exceedance of maximum contaminant levels (WAC 248-54-175).

Design/Environmental Review

USEPA will be given an early opportunity to participate in development and review of environmental documents for projects within the sole source aquifer area that are documented by an EIS or EA, or CEs that involve:

- Drainage wells, detention or retention basins or new wetland areas;
- Addition or widening of lanes or opening of new material sources which could result in contamination
- Rest areas, weigh stations or scenic overlooks with sewage disposal stations
- Landscape construction projects if pesticides, herbicides and fertilizers use any of compounds listed in Attachment D.

10a MOA between WDFW and WSDOT – Construction Projects in State Waters (6/02) – Chapter 436

Replaces:

10b – MOU between WDFW and WSDOT – Compliance with Hydraulics Code (8/90)

10c – MOU WDFW and WSDOT – Fish Passage Guidelines – Culvert Installations – 8/90

10d – MOU WDFW, Dept of Emergency Management, Assn of Counties, Assn of Cities, Ecology and WSDOT – Work in Watercourses (12/96)

General

Describes how WSDOT and WDFW will cooperate to ensure that state transportation projects protect fish life and habitats, and ensure consistent and uniform application of RCW 77.55 (construction in state waters) and WAC 220-110 (hydraulic code rules). Other objectives include: cooperate in identifying and evaluating potential impacts and reach

accord in mitigation early in project design; provide a framework within which HPAs can be developed and approved to give WSDOT flexibility in planning and programming maintenance, repair, mitigation and minor improvement projects while reducing permit workload and properly protecting fish life and habitat.

Scoping/Programming

Annual meetings to be arranged by WSDOT, project review procedures specified for each:

- Capital improvement projects: between Jan 15 and March 15; one meeting in each WSDOT region in western WA and one meeting in eastern WA.
- Planned maintenance activities: in spring, arranged by WSDOT maintenance area superintendents, with WDFW area habitat biologist.
- Ferries: to discuss upcoming ferry maintenance, repair and construction projects.
- Appendix C states that WSDOT is to include in the project definition a recommended conceptual design approach to remove a barrier to fish passage where barrier is identified in Subprogram 14 deficiency list; priority for barrier removal to be done statewide; all barriers to be removed by 2021.

Design/Environmental Review

- Coordinate and establish agreement on design and any necessary mitigation prior to submitting final HPA application submittal (can be at annual meeting).
- For any project anticipated to require mitigation for unavoidable impacts, WSDOT to send adequate information to WDFW on project design, method of construction, and mitigation, so potential design and mitigation issues can be addressed before submitting the application.
- Appendix D is reference sources for transportation project design guidelines to eliminate or minimize impacts to fish life.

Permitting/PS&E

- WSDOT submits HPA application to WDFW when final project plans are near completion. Appendix A gives HPA application requirements.
- If application is complete but does not fully mitigate direct and indirect impacts, WDFW will notify WSDOT of intent to deny permit after 45 day review period. WSDOT can ask to suspend the review period pending additional negotiations.
- Appendix E gives conditions for issuance of Standard, Expedited and Emergency HPAs.
- Appendix G is the WACs for formal and informal appeals.

Construction

- WSDOT will train project inspectors on how to monitor projects for HPA compliance.
- If project design changes or circumstances arise requiring change in design or construction, WSDOT contacts WDFW to discuss potential modifications to HPA.

Maintenance and Operations

- Text includes procedures for emergency/disaster maintenance and repair.
- Appendix F is maintenance guidelines.

11 Interagency Agreement - Alternative Mitigation Policy Guidance **(2/00) – Chapter 437**

General

WSDOT agrees to comply with consensus on mitigation policy among agencies responsible for aquatic resource mitigation. Applies to Ecology and WDFW in issuing or reviewing permits, documents, appeals or compensation agreements under Clean Water Act, Shoreline Management Act or Hydraulics Code. Applicants must demonstrate to the permitting agencies that impacts are unavoidable, that steps will be taken to reduce impacts, and mitigation will result in a net gain to the resources.

Design/Environmental Review

Guidance describes the criteria and guidelines for compensatory mitigation and other requirements including use of best available science, considering cumulative impacts, and mitigating for losses over time including requirements below and under Permitting/PS&E, Construction, and Maintenance and Operations.

- Mitigation plans should be discussed with the lead permitting agency prior to preparing a detailed mitigation plan.
- Document lists minimum content of mitigation plans for projects with significant impacts.

Permitting/PS&E

- Permitting agencies will determine project impacts, significance of impacts, type and amount of compensation, and level of replacement functions based on best available information including applicants' plans and specifications and studies required and approved by the agencies.

Construction

- Mitigation measures are an integral part of a construction project and are to be completed before or during project construction.

Maintenance and Operations

- Monitoring is required. If mitigation is failing and corrective actions not successful, applicant must contact permitting agencies and use an adaptive management approach to achieve stated performance standards.
- Compliance monitoring may be performed by agencies.
- Mitigation site to be protected permanently or at least for the life of the project.

12 Implementing Agreement – Wetlands Protection and Management **(7/93) – Chapter 437**

General

Clarifies and promotes interagency coordination in wetland protection and management. The two agencies determine policies of mitigation, preservation, mitigation banking and training programs.

Scoping/Programming

Biennial project review meetings – to discuss potential environmental impacts, including wetland impacts, of proposed projects and provide information on affected resources that may influence project schedule and budget. Held in even-numbered years in each WSDOT region, attended by HQ ESO staff, regional project offices, Ecology wetland and permit coordination and Shoreline staff.

Design/Environmental Review

- WSDOT submits wetland inventory report to Ecology when following permits are required: Section 404 individual permit, Section 404 nationwide permit when individual WQ certification is needed, or Shoreline.
- Design Alternatives meeting – as needed to discuss specific projects and revisit projects discussed earlier. WSDOT wetland report sent to Ecology before meeting. Appendix C – WSDOT guidelines for wetland reports
- WSDOT submits preliminary wetland mitigation plan with wetland report and alternatives analysis to Ecology wetlands staff; copy to Ecology permit coordination unit if Section 404 permit is required. Appendix D – WSDOT guidelines for wetland mitigation plans. Appendix E – Guidelines for compensation mitigation ratios. Describes criteria for mitigation [replaced/updated by 2/00 Alternative Mitigation Policy IA?]

Permitting/PS&E

- Details steps WSDOT and Ecology will take if Individual Section 404 permit or nationwide Section 404 permit with Individual 401 certification is needed
- Pre-application meeting – to review preliminary mitigation plan development and submittal of information needed by Corps and other agencies to make permit decisions.

Construction

- Pre-construction conference – as needed to discuss construction techniques for wetland creation, restoration or enhancement. Primarily for benefit of contractor.

Maintenance and Operations

- Monitoring the mitigation by systematic evaluation of the development of a constructed wetland to determine success.
- Annual field review and evaluation of WSDOT mitigation sites.

13 MOA – Wetland Mitigation Banking (2/94) – Chapter 437

General

Establishes principles and procedures for establishing, implementing, and maintaining the WSDOT wetland compensation bank program. Covers identification and selection of candidate wetland compensation bank sites, development of the sites, maintenance, inspection and monitoring, and assessment. Also proposals to compensate for adverse impacts to wetlands by using credits available at a compensation bank site.

Provides offsite compensation in advance of adverse impacts to wetlands after all measures have first been taken to avoid impacts, reduce impacts, repair/restore affected wetlands, reduce or eliminate impacts over time by maintenance and preservation, and provide in-kind onsite compensation. Appendix A defines this sequence.

Most of agreement is about selecting the sites – not applicable to specific projects?

Appendix B elements of a development plan for a candidate compensation bank site

Also system of currency, credits and debits – seems not applicable to specific projects?

Design/Environmental Review

Criteria for using a wetland compensation bank site

Appendix B – elements of a Wetland Impact Report

Appendix D – public notice describing, among other things, the WSDOT activity, wetlands impacted, and justification for using the compensation bank site.

Maintenance and Operations

Requirements for inspections and monitoring.

- Semi-annual inspections for five years after as-builts accepted, and annually thereafter.
- WSDOT will use inspection checklist in Appendix E to document inspections.
- Appendix F is elements of a monitoring plan and report, includes monitoring checklist
- WSDOT retains responsibility for inspections if management and maintenance of the site is transferred to another agency or entity.

14 Noise Methodology and Criteria (2/01) – Chapter 446

General

Agrees on methodology and criteria to be used for integrated roadway and highway projects in Puget Sound.

Design/Environmental Review

For roadways to the intersection with the physical boundary of the point source (e.g. curb line of a park and ride lot) use FHWA line source methodology and criteria. For the point source, use FTA methodology and criteria from FTA's Transit Noise and Vibration Assessment. In overlapping areas use FHWA line source methodology and criteria.

15 Hazardous Waste Management – Chapter 447

General

Ecology and WSDOT agree to cooperate in issues related to hazardous waste management and reduction, site remediation, and regulatory compliance. WSDOT commits itself to full compliance with hazardous waste management and cleanup laws and regulations.

Design/Environmental Review

As site conditions/history warrant, WSDOT will conduct environmental site assessments of all property involved in ROW acquisition to discover possible hazardous waste contamination requiring remedial action, and report discovery of contamination to Ecology.

Permitting/PS&E

- If WSDOT acquires a contaminated site, it will take steps needed to identify and clean up the contamination as budgets allow.
- WSDOT may proceed with an expedited independent cleanup on a portion of a contaminated site which adversely effects a construction schedule. WSDOT will prepare a technical report prior to an independent cleanup.

Construction

- If an unanticipated leaking underground storage tank (LUST) is encountered during construction, WSDOT will follow Ecology guidance in *Remediation of Releases from Underground Storage Tanks*.
- If there is an imminent threat to public health or environment due to site contamination, WSDOT will use resources such as an on-call hazardous waste contractor to stabilize the situation.
- WSDOT will seek to minimize the use and generation of hazardous materials in its construction activities and those of its contractors.

Maintenance and Operations

- WSDOT will conduct hazardous waste audits of its buildings and facilities on a regular basis, and will identify opportunities for hazardous substance reduction and recycling.
- Specifies WSDOT responsibilities for oil and hazardous substance spills.
- WSDOT will follow Washington manifest requirements when manifesting hazardous wastes.

16 Agricultural and Forest Land Preservation (9/82) – Chapter 454

General

Intended to enhance cooperation in preserving agricultural and forest land, to prevent and treat erosion adjacent to or associated with farmlands and state highways, and maintain drainage ways and reclaim abandon roadways for agricultural purposes.

Design/Environmental Review

Contact local conservation districts during the design stage to coordinate concerns and recommendations.

Send draft EISs and EAs to conservation districts near the project area for review and comment; review comments and make appropriate revisions, considering acceptable economic tradeoffs in roadway alignments.

Maintenance and Operations

Work with conservation districts through county weed control boards or appropriate county officials to control noxious weeds.

17 Highways over National Forest Lands – Chapter 455

General

Documents mutual understanding regarding coordination of transportation activities, particularly highways on national forest land.

Planning

- WSDOT will consult with USFS during development of WSDOT six year Highway Construction Program.
- WSDOT and the USFS will jointly develop a multi-year Forest Highway Program.

Scoping/Programming

- WSDOT will coordinate with USFS in developing Public Lands Highway Program proposals.
- WSDOT will coordinate with USFS at project inception, agreeing on needed environmental documents and lead agency responsibility.

Design/Environmental Review

- WSDOT and USFS will cooperate in developing a single set of environmental documents for each project and jointly seek public involvement.
- Draft and final environmental documents will be circulated to each agency for review before public distribution.

Permitting/PS&E

- WSDOT and USFS will coordinate designs and participate in field reviews.
- For rights-of-way, the standard USDOT easement deed will be used. Specifies procedures for requesting the easement.
- A special use permit is required for use or occupancy of national forest system lands for other highway purposes outside the easement area.

- WSDOT and USFS will agree on requirements to be provided in plans and specifications and which will be in the special provisions.
- WSDOT will submit proposed right of way and construction plans and specifications to USFS for review and approval.

Construction

- WSDOT will inform USFS of project advertisement and award.
- Significant changes in ROW during construction will require an amendment to the recorded easement deed.
- WSDOT will notify and obtain approval from USFS for any changes that will affect national forest lands.
- WSDOT will notify USFS when project nears completion; USFS will indicate if they want to participate in the final review.

Maintenance and Operations

- WSDOT will coordinate with USFS on maintenance activities that might affect national forest lands, including: removal/disposal of dangerous trees, disposal of slash or other waste, material source or storage, changes to drainage patterns, snow and avalanche control, rock scaling.
- WSDOT will work with USFS to develop roadside vegetation management plans.
- WSDOT will furnish and maintain all standards highway signs, including guide signs requested by the USFS.
- WSDOT will coordinate with USFS for third party occupancy or use by utility facility installations on WSDOT easements.
- Specifies responsibilities for signage for maintenance or emergency activities.
- Specifies responsibilities for control of access to WSDOT easements by USFS or its permittees.

18 Historic Properties – Nationwide (6/97) – Chapter 456

General

Agreement is intended to reduce the time spent by state transportation agencies in implementing transportation enhancement activities, including historic preservation projects. However, the agreement is not mandatory; state agencies are authorized to develop their own agreements, which WSDOT has done (see below).

19 Historic Properties– State (7/00) – Chapter 456

General

Programmatic agreement for implementing Section 106 requirements for federal-aid highway projects in Washington.

Scoping/Programming

- Agreement lists types of routine WSDOT projects that do not require Section 106 consultation with the SHPO.
- For a proposed project, WSDOT defines the area of potential effect, following consultation with appropriate tribal governments, local governments and other appropriate parties.
- WSDOT identifies all historic properties and cultural resources within the area of potential effect, and evaluates their eligibility for listing in the National Register of Historic Places; specific provisions apply to historic bridges.
- Specifies procedures depending on whether WSDOT determines there is a finding of no historic properties affected, no effect, or no adverse effect.

Design/Environmental Review

If there is adverse effect, WSDOT notifies FHWA and FHWA ensures that the Section 106 process is completed in accordance with 36 CFR 800.6. Bridge replacement projects requiring a change in alignment beyond previous construction disturbance, and bridge replacements in historic districts shall undergo individual review under 36 CFR 800.

Construction

Council and SHPO may monitor activities carried out pursuant to this agreement.

Property Management

Specifies procedure for sale or demolition of Category 2 bridges (constructed prior to 1940 but not eligible for the national register).

20 Confederated Tribes of Umatilla Reservation – Coordination and Consultation – Chapter 456

General

Programmatic agreement to ensure coordination and cooperation with the Confederated Tribes of the Umatilla Reservation (CTUR) on all applicable WSDOT undertakings within CTUR ceded lands in the state of Washington that potentially affect historic and/or traditional cultural properties. The agreement includes consultation for federally aided projects subject to Section 106 of the National Historic Preservation Act, and coordination for non-federal activities. Consultation and coordination are to begin at the earliest possible stage and continue through planning, scoping, design, construction, and operation and maintenance.

21 Washington Federal-Aid Stewardship Agreement – Chapter 300

[A summary of the environmental commitments in this agreement (or any successor agreement) will be provided in the next EPM update.]